

## ARGUMENTS

### The Examiner's Rejections

Applicant has noted the Office Action's rejections and bases for same. For the following reasons, Applicant respectfully submits that the currently pending claims are in condition for allowance. Applicant respectfully requests that the Examiner consider the arguments and remarks as set forth below and pass the application to issuance.

### 35 U.S.C. §103(a) Rejections

#### Claims 61-98

The Office Action has rejected claims 61-98 (i.e., all pending claims) under 35 U.S.C. §103(a) as being obvious over U.S. patent application serial number US2002/0077222 (Daly '222) in view of French patent number FR2,831,452 (Autissier '452) or by Daly '222 in view of Autissier '452 and further in view of U.S. patent number 6,196,558 (Simon '558). For the following reasons, Applicant respectfully asserts that claims 61-98 are in condition for allowance and such allowance is earnestly solicited.

Filed herewith, as exhibit A, is a 37 C.F.R § 1.131 Declaration of Scott Walter, the inventor of the subject of the instant application and a 37 C.F.R § 1.131 Declaration of David Walter, the father of Scott Walter. The facts set forth in the Scott Walter and David Walter declarations establish the following:

Scott Walter invented the subject matter of the rejected claims prior to the effective date of the reference cited in the Office Action. Specifically, the Scott Walter and the David Walter declarations attached hereto as Exhibits A and B

show that Scott Walter conceived of and reduced to practice, in the United States, the invention claimed in the above-identified patent application prior to March 16, 2001, the filing date of published U.S. Patent Application Number 2002/0077222 to Daley, as cited in the pending Final Office Action.

Moreover, since the filing date of Autissier '452 is October 30, 2001, Scott Walter conceived of and reduced to practice, in the United States, the invention claimed in the above-identified patent application prior to the effective date of the Autissier '452 reference as well. Therefore, Daly '222 and Autissier '452 are not, in fact, prior art references.

Although Applicant does not concede that the combination of Daly '222 with Autissier '452 or with Autissier '452 in further view of Simon '558 renders the claims obvious, without the Daly '222 or Autissier '452 reference, none of the remaining references cited in the final Office Action, either alone or in combination with one another, teach each and every element of claims 61-98. Claims 61-98 are therefore neither obvious or anticipated.

For the aforementioned reasons, Applicant respectfully asserts that claims 61-98 are in condition for allowance and such allowance is earnestly solicited.

Remarks

In view of the foregoing discussion, it is respectfully submitted that amended claims 61-98 are in condition for allowance, and such allowance is earnestly solicited.

Date: September 26, 2005

Respectfully submitted,



Michael A. Baffa  
PTO Reg. No. 42,279  
ATTORNEY FOR APPLICANT  
The Bilicki Law Firm, P.C.  
1285 North Main St.  
Jamestown, NY 14701  
(716) 664-5600